

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAIRO RODRIGUEZ,

Defendant.

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8:13CR41

ORDER

This matter is before the court on the defendant's MOTION TO CONTINUE TRIAL DATE AND UNOPPOSED REQUEST TO FILE MOTION TO SUPPRESS OUT OF TIME [23]. Upon review of the file, the court finds that a 14-day extension should be granted.

IT IS ORDERED that the MOTION TO CONTINUE TRIAL DATE AND UNOPPOSED REQUEST TO FILE MOTION TO SUPPRESS OUT OF TIME [23] is granted as follows:

1. The deadline for filing pretrial motions is extended to **May 20, 2013**.
2. Trial in this matter is cancelled and will be rescheduled by further order of the Court.
3. Defendant is ordered to file the affidavit required by NECrimR 12.1(a) regarding speedy trial as soon as practicable.
4. In accordance with [18 U.S.C. § 3161](#)(h)(8)(A), the court finds that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **May 6, 2013 and May 20, 2013**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

DATED this 7th day of May, 2013.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**